

WARREN COUNTY BOARD OF SUPERVISORS

COMMITTEE: PERSONNEL

DATE: FEBRUARY 11, 2015

COMMITTEE MEMBERS PRESENT:

SUPERVISORS TAYLOR
KENNY
SOKOL
MERLINO
GIRARD
VANSELOW
WOOD
SIMPSON

COMMITTEE MEMBER ABSENT:

SUPERVISOR DICKINSON

OTHERS PRESENT:

REPRESENTING THE HUMAN RESOURCES & CIVIL SERVICE ADMINISTRATION:

GRETCHEN STEFFAN, COUNTY HUMAN RESOURCES DIRECTOR

PATRICIA NENNINGER, PERSONNEL OFFICER

KEVIN GERAGHTY, CHAIRMAN OF THE BOARD

MARTIN AUFFREDOU, COUNTY ATTORNEY

JOAN SADY, CLERK OF THE BOARD

JOANN MCKINSTRY, ASSISTANT TO THE COUNTY ADMINISTRATOR

FRANK THOMAS, BUDGET OFFICER

SUPERVISORS BEATY

BROCK

CONOVER

FRASIER

MCDEVITT

MONROE

SEEGER

WESTCOTT

REPRESENTING THE WARREN COUNTY SHERIFF'S OFFICE:

SHAWN LAMOUREE, UNDERSHERIFF

MIKE GATES, CORRECTIONS CAPTAIN

DEANNA PARK, DIRECTOR, COUNTRYSIDE ADULT HOME

REPRESENTING THE DEPARTMENT OF SOCIAL SERVICES:

MAUREEN SCHMIDT, COMMISSIONER

JULIE MONTERO, FISCAL MANAGER

MIKE SWAN, COUNTY TREASURER

JOHN WAPPETT, PUBLIC DEFENDER

DON LEHMAN, *THE POST STAR*

AMANDA ALLEN, DEPUTY CLERK OF THE BOARD

Mr. Taylor called the meeting of the Personnel Committee to order at 9:00 a.m.

Motion was made by Mr. Merlino, seconded by Ms. Wood and carried unanimously to approve the minutes of the prior Committee meeting, subject to correction by the Clerk of the Board.

Copies of the meeting Agenda were distributed to the Committee members and a copy of same is on file with the meeting minutes.

Commencing the Agenda review, Mr. Taylor announced Items 1A and B consisted of requests/items to be discussed by the County Human Resources Director; privilege of the floor was extended to Gretchen Steffan, *County Human Resources Director*, to address these items.

Ms. Steffan pointed out that the Agenda packet included a copy of a memo she had prepared recommending that the County contract with EAP of Warren, Washington & Saratoga Counties, Inc. for Employee Assistance Program (EAP) services. She recalled that the County had previously obtained these services from E-4 Health; however, she said, utilization rates for the program had been very low, prompting an RFP (*Request for Proposals*) process to determine the alternate options available. Ms. Steffan advised that the Agenda packet also included a copy of the Bid Tabulation Sheets listing all of the proposals received.

Motion was made by Mr. Girard, seconded by Mr. Sokol and carried unanimously to authorize a new

agreement with EAP of Warren, Washington & Saratoga Counties, Inc. for Employee Assistance Program (EAP) services and the necessary resolution was authorized for the February 20th Board Meeting.

With reference to Item 1B, pertaining to the tracking of salary implications for positions filled, Ms. Steffan explained that the report provided in the Agenda packet accounted for positions filled during the months of February through December of 2014, reflecting a total savings of \$255,915.91, which did not include the savings associated with benefits costs. She confirmed that her Office would continue to provide these reports throughout 2015.

Continuing to Agenda Items 2A-B, *referrals from the Criminal Justice Committee*, Mr. Taylor advised Item 2A consisted of a request from the Probation Department to amend the Table of Organization to delete the position of Probation Officer #8 effective February 23, 2015. He explained that Probation Director had advised this position was no longer necessary due to the increase of the Probation Assistant #2 position from part-time to full-time status in April of 2014.

Motion was made by Mr. Kenny, seconded by Ms. Wood and carried unanimously to approve the request and the necessary resolution was authorized for the February 20th Board Meeting.

Mr. Taylor noted that Item 2B pertained to a request from the Public Defender to be granted an additional 189 hours of sick leave to bring the total leave accrued to 980 hours (*140 days*). He continued that if this request was approved, Mr. Wappett would receive payment for one half of his accrued sick leave (*490 hours, or 70 days*), the maximum allowed, upon his retirement. Mr. Taylor noted that the Criminal Justice Committee had not made a decision to approve this request, but had requested that the County Administrator, County Attorney and Human Resources Director review the matter and provide advisement to the Personnel Committee for further discussion. He apprised that JoAnn McKinstry, *Assistant to the County Administrator*, had handled the review and was prepared to report on the matter.

Mrs. McKinstry reported that Paul Dusek, *County Administrator*, had been asked to research the union contracts to determine what provisions they offered relative to this situation. She said Mr. Dusek had found the CSEA contract indicated that if an employee were to leave County service and return within a two-month period their leave accruals would be reinstated, while the PBA and SEA contracts provided the same allowance if the absence was less than 30-days. Mrs. McKinstry indicated that following a thorough review of prior resolutions, they had been unable to find an instance where a concession such as this had been made, nor could they find any indication that a similar request had been made in the past. She reported that the costs associated with the reinstatement of leave time requested by the Public Defender would incur a cost of \$5,800, including FICA and Medicare costs, and she noted that Mr. Dusek had recommended that the Committee refrain from approving this request as it could set a precedent which would prove costly for the County. Mrs. McKinstry said she had shared this information with Martin Auffredou, *County Attorney*, who had agreed with Mr. Dusek's recommendation.

Privilege of the floor was extended to John Wappett, *Public Defender*, who indicated that he had initially presented his request to the Human Resources Director, County Attorney and County Administrator, none of whom could provide an answer, before he was referred to the Criminal Justice Committee who then referred the matter to the Personnel Committee for review. He commented that because of the unique nature of his specific situation he believed the chances of repetition were quite slim and therefore it was unlikely to occur again in the future, as proven by the County Administrator's inability to cite another example of this instance. Mr. Wappett stated his situation was markedly different than the provisions listed in the union contracts which pertained to leaves of absence for people who had exhausted their accrued leave time and were forced to take time off without pay and then return to the workforce when they were able to do so. He said that he had not resigned from his position, nor had he been fired; he explained that he had served as the appointed First Assistant District Attorney with

a term that had expired at the close of the District Attorney's term in accordance with the operation of Law. Mr. Wappett continued that he had later returned to County service as the Public Defender and had since accumulated 791 hours of sick leave.

Mr. Kenny questioned the length of time that had passed between the periods of employment and Mr. Wappett answered that his appointment had ended January 1, 2002 and he returned to County service with the Public Defender's Office in March of 2005. Mr. Wappett reiterated that a situation such as his was unlikely to reoccur as there were very few appointed positions of this nature within the County. He noted that the purpose of the ability to receive compensation for half of the sick time accrued upon retirement was intended as an incentive to encourage employees to refrain from using this leave throughout their career. Mr. Wappett stated that by his rough calculations, as a result of his not having abused use of his sick leave, there were some 198 days, or 39 work weeks, that the County did not have to pay extra for because he had been working. He continued that the County could certainly choose to make, or change, rules in this area as they saw fit to do, similar to the way in which they had eliminated the Sick Leave Incentive allowance which was also intended to discourage employees from abusing sick leave; Mr. Wappett commented that he had been rather crushed when the Incentive allowance was discontinued as he had previously counted on this bonus for purchasing Christmas gifts. As a result of these incentives he assumed that the County had gained a great deal and he would ask that the equities be considered in this matter; he restated that it was not likely for this situation to reoccur because a very odd set of circumstances would have to be present, requiring a person to be employed by the County, leave for a time, then return and stay until retirement, which he opined did not happen often. Mr. Wappett concluded that it was not appropriate to compare his situation to the provisions of the union contracts

Mr. Merlino asked Mr. Wappett whether, upon returning to County service, he had inquired as to the ability to recover his previously accrued sick leave and Mr. Wappett replied that thought had not occurred to him at the time. Mr. Wappett said that, as per the information he received from the Human Resources Office, when he returned to work for the County he would have been treated as if he were a new employee because there were no procedures in place to address his particular situation. He stated that, had he been permitted to do so, he would have continued his career with the County until retirement, without lapse; he added it seemed the right thing to do would be to allow him to retain the leave he had previously accrued and lost through no fault of his own.

In response to questions posed by Ms. Wood, Ms. Steffan confirmed that the Public Defender was a salaried position for which a replacement was not sought unless some type of extended leave occurred.

There being no further discussion, motion was made by Mr. Kenny, seconded by Mr. Girard and carried by majority vote, with Mr. Vanselow voting in opposition, to follow the recommendation of the County Administrator and deny the request presented by the Public Defender.

Resuming the Agenda review with Item 3, *referral from the Public Works Committee, DPW*, Mr. Taylor presented a request to create and fill the full-time position of Fiscal Manager #2, *Annual Base Salary \$51,537*, to allow for three weeks of training due to a retirement. He said the Superintendent of Public Works had advised that the Fiscal Manager would retire in early April and that in order to provide appropriate training, he was requesting the creation of this new position to allow the current Fiscal Manager to provide three weeks of training for her replacement. Mr. Taylor reported that a cost of \$6,000 had been estimated for the salary of the new position, as well as a payout of accrued vacation leave time, which would be transferred within the existing DPW Budget. He advised that at the close of the three-week training period, the position would remain vacant and unfunded until it was eliminated through the 2016 Budget process.

Motion was made by Ms. Wood, seconded by Mr. Girard and carried unanimously to approve the request and the necessary resolution was authorized for the February 20th Board Meeting.

Mr. Taylor announced Agenda Items 4A-E consisted of referrals from the Social Services Committee,

which he read aloud, as follows:

Countryside Adult Home -

- 4A) Request to amend the Table of Organization to delete the positions of Institutional Aide/P #1, (*Grade 3, Annual Base Salary \$25,193 pro-rated to 32 hours per week*), and Institutional Aide/P #5, (*Grade 3, Annual Base Salary \$25,193 pro-rated to 8 hours per week*), and create and fill the new position of Institutional Aide FT #15, (*Grade 3, Annual Base Salary \$25,193*), effective February 23, 2015.
- 4B) Request to amend the Table of Organization to delete the position of Leisure Time Activity Aide #1, (*Grade 3, Annual Base Salary \$25,193*), and create and fill the new positions of Leisure Time Activity Aide PT #2, (*Grade 3, Annual Base Salary \$25,193 pro-rated to 16 hours per week*), and Leisure Time Activity Aide PT #3, (*Grade 3, Annual Base Salary \$25,193 pro-rated to 24 hours per week*), effective February 23, 2015.

Motion was made by Mr. Kenny, seconded by Mr. Simpson and carried unanimously to approve Items 4A and 4B, as outlined above, and the necessary resolutions were authorized for the February 20th Board Meeting.

Department of Social Services -

- 4C) Request to amend the Table of Organization to move Intake Clerk #6 from its current categorization as 20 hours per week in Dept. 00 and 20 hours per week in Dept. 03 to 40 hours per week in Dept. 02 effective February 23, 2015.

Motion was made by Ms. Wood, seconded by Mr. Simpson and carried unanimously to approve Item 4C and the necessary resolution was authorized for the February 20th Board Meeting. *Note: subsequent to the meeting it was determined that Intake Clerk #6 was currently categorized in Department 40.03 and would be moved to Department 40.02.*

- 4D) Request to amend the Table of Organization to delete the position of Deputy Commissioner of the Department of Social Services (*Annual Salary \$63,256*) and create the new full-time position of Deputy Commissioner/Chief Legal Counsel (*Annual Salary \$78,460*) effective March 1, 2015.

Motion was made by Ms. Wood, seconded by Mr. Kenny and carried unanimously to approve Item 4D and the necessary resolution was authorized for the February 20th Board Meeting.

Speaking as the Budget Officer, Mr. Thomas noted that he had not been present at the last Social Services Committee meeting and he questioned whether this change would result in a savings or a cost to the County. Mr. Simpson, speaking as Chairman of the Social Services Committee, explained that there would be savings as the current Social Services Attorney would be assuming the position of Deputy Commissioner/Chief Legal Counsel and an Assistant Social Services Attorney Part-Time position would be created for use on an as-needed basis. Maureen Schmidt, *Commissioner of the Department of Social Services*, expounded that they would be saving money by combining the Deputy Commissioner and Social Services Attorney positions and she noted a portion of these savings would be used to fund the creation of the new Assistant Social Services Attorney position.

- 4E) Request to amend the Table of Organization to delete the position of Social Services Attorney and create the new position of Assistant Social Services Attorney, Part-Time, (*less than 20 hours per week, Annual Salary of \$30,000-\$35,000*) effective March 1, 2015.

Motion was made by Mr. Vanselow, seconded by Mr. Sokol and carried unanimously to approve Item 4E and the necessary resolution was authorized for the February 20th Board Meeting.

Moving on, privilege of the floor was extended to Mrs. McKinstry to present Agenda Item 5, which consisted of a request to amend Resolution No. 628 of 2014, *authorizing the carryover of an additional*

five days of vacation for Patricia C. Nenninger, to approve payment for the additional five days of vacation carryover at the 2014 pay rate of \$36.7802 per hour in accordance with Resolution No. 336 of 2010. She explained that following some research, she had found the Resolution No. 336 of 2010 required that compensation be made to an employee for any unused vacation over the five days allowed for carry over. Mrs. McKinstry advised that because Mrs. Nenninger would not be permitted to carryover the additional five unused vacation days, Resolution No. 628 of 2014 required amendment in order to allow her to be paid for the unused vacation time.

Motion was made by Mr. Kenny, seconded by Mr. Merlino and carried unanimously to approve the request and the necessary resolution was authorized for the February 20th Board Meeting.

Privilege of the floor was extended to Mr. Auffredou to review Agenda Item 6 pertaining to a request to amend the Table of Organization to set the hours for the Asst. County Attorney-PT which would be less than part-time (*not to exceed 20 hours per week*) with no benefits. He explained this position was established as part of the 2015 Budget process, but the part-time status was not identified at that time.

Motion was made by Mr. Sokol, seconded by Mr. Simpson and carried unanimously to approve the request and the necessary resolution was authorized for the February 20th Board Meeting.

Mr. Taylor pointed out that Agenda Item IV consisted of a listing of vacancies filled since the last Personnel Committee meeting, as follows:

Department of Public Works -

1. Fiscal Manager, Annual Salary \$51,537, due to retirement. This is a non-mandated, non-Union position which receives no reimbursements.

Employment & Training Administration -

1. Employment & Training Counselor, Grade 9, Annual Base Salary \$32,553, due to resignation. This is a non-mandated, Union position which receives 100% Federal reimbursement.

Office of Emergency Services -

1. Second Deputy EMS Coordinator, Annual Salary \$5,028, due to resignation. This is a non-mandated, non-Union position which receives no reimbursements.

Treasurer -

1. Account Clerk #1, Grade 4, Annual Base Salary \$12,279 (19 hours per week), due to resignation. This is a non-mandated, Union position which receives no reimbursements.

Mr. Auffredou announced he had one additional matter to address, relating to the recently adopted Warren County Code of Ethics and the seating of the associated Board of Ethics. He apprised that Chairman Geraghty had directed him to move forward in seeking out qualified individuals to serve the Board of Ethics which would consist of three members, one of which must be an elected or appointed officer or employee of the County, or a municipality within the County, while the other two were not. Mr. Auffredou said he had identified and met with two candidates for the government position, both of whom had agreed to serve in the position if selected; he listed these individuals as Gail Seaman, *Thurman Town Board Member*, and Edna Wells, *Chester Town Board Member*. Mr. Auffredou suggested that they consider the selection of a member and a designated alternate to serve in the event that the primary member was unable to do so. He noted that they were still working on selecting the two non-government members of the Board of Ethics and he asked Mr. McDevitt to report on this matter.

Mr. McDevitt said he was happy to report that Dr. James Morrissey, a retired cardiologist who lived in the community, was being considered for one of the non-government positions. He apprised that Dr. Morrissey was a stellar person with a very high level of integrity and he could not think of a better person to fill one of these positions. Mr. McDevitt continued that another gentleman had been approached about filling the second non-government position and he noted that this person was also a doctor, currently in a semi-retired mode, who had served on Glens Falls Hospital's Board of Ethics.

He noted that he preferred not to mention the name of the second candidate because this person had not yet confirmed his interest in accepting the position, if chosen.

Mr. Auffredou stated this information was being presented with the intention of representing the progress being made to seat the Board of Ethics. He said he hoped to have the names of all candidates solidified and ready for presentation at the March Personnel Committee meeting; Mr. Auffredou added that the Personnel Committee would make their recommendations as to the membership of the Board of Ethics and those recommendations would then be presented to the Board of Supervisors for approval and appointment. Mr. Auffredou reiterated his suggestion that alternate members, for both the government and non-government positions should be selected to serve in the event that one of the appointees to the Board of Ethics were unable to do so. He concluded that although this was not an easy process, as it took time to determine appropriate candidates, they had made significant progress and he confirmed that he would be prepared to make a full report on the matter at the next Committee meeting.

Concluding the Agenda review with Item V, Mr. Taylor advised the Clerk of the Board had requested an executive session to discuss the employment history of a particular unnamed person in the Clerk of the Board's Office.

Motion was made by Mr. Girard, seconded by Mr. Kenny and carried unanimously to enter into an executive session pursuant to Section 105(d) of the Public Officer's Law.

Executive session was held from 9:28 a.m. until 9:38 a.m.

Upon reconvening, Mr. Taylor announced no action had been taken during the executive session.

There being no further business to come before the Personnel Committee, on motion made by Mr. Kenny and seconded by Ms. Wood, Mr. Taylor adjourned the meeting at 9:39 a.m.

Respectfully submitted,
Amanda Allen, Deputy Clerk of the Board